

U.S. FEDERAL DIST. COURT OF APPEAL
STATE OF ILLINOIS
NORTHERN 7TH CIRCUIT

(A)

ENRIKO LEVY #A93734

FILED

MAR 24 2008 *aw*

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

MAR 24 2008

CASE NUMBER: 08-4-573
08cv573

PETITIONER

V.

STATE OF ILLINOIS, DEPT. OF
CORRECTION, LAWRENCE
WARDEN LEE RYKER AND PINCKNEYVILLE
WARDEN EVANS
RESPONDENTS

NOTICE OF FILING

To: LISA MADIGAN
ILLINOIS ATTORNEY GENERAL
500 S. 2nd, St.
SPRINGFIELD, ILL, 62766

You are hereby notified that on 3-28 2008, I have caused
the attached documents to be sent to the above-named party(ies).

By: U.S. MAIL

CERTIFICATE OF SERVICE

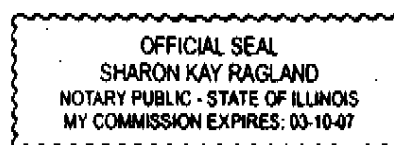
I hereby certify that a true and correct copy of the attached documents
have been served on the above-named party(ies). The same being sent via the
United States Mail, with proper postage having been paid at the Springfield
Correctional Center on 3-28-2008. LAWRENCE

Enrico Henry

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 26th DAY OF January, 2007

Sharon Kay Ragland
NOTARY PUBLIC



U.S. FEDERAL COURT OF APPEAL
NORTHERN, STATE OF ILLINOIS
7TH. CIRCUIT

FILED

MAR 24 2008 *new*

MICHAEL W. DOBEINS
CLERK, U.S. DISTRICT COURT

CASE NO. 08-C-573

08cv573

ENRICO LEVY #A93734

PETITIONER

V

STATE OF ILLINOIS, DEPT. OF
CORRECTION, PIERCKNEYVILLE
WARDEN, EVAN AND LAWRENCE
WARDEN-LEE RYKER

RESPONDENTS

PLAINTIFF'S PRO SE.

LATE

MOTION FOR LEAVE TO APPEAL
AND ALLOW ORIGINAL PETITION
TO STAND AS BRIEF.

I, ENRICO LEVY, PETITIONER PRO SE, RESPECTFULLY HEREBY MOVE WITH MOTION
AND PRAYER TO THIS HONORABLE COURT, AND IN SUPPORT STATES:

- (1) I AM NOT REPRESENTED BY AN ATTORNEY IN THIS CASE, HOWEVER THIS
MOTION AND PETITION IS SUPPORTED WITH AFFIDAVIT AND DOCUMENTS.
- (2) I AM THE PETITIONER IN THE ABOVE CAPTIONED CASE.
- (3) I AM A PRISONER INCARCERATED (23) YEARS IN THE ILLINOIS DEPT. OF
CORRECTION, AT THE PRESENT HERE AT LAWRENCE PRISON, SUMNER ILLINOIS.
- (4) PETITIONER PRAY THIS HONORABLE COURT GRANT MOTION REQUEST.

STATE OF ILLINOIS)
) SS
COUNTY OF LAWRENCE)

AFFIDAVIT

I, ENRICO LEVY #A93734 being first duly sworn under oath depose and state that the foregoing is true and correct and made upon my personal knowledge and I am competent to testify thereto.

FEDERAL AND STATE LAW IN THE PAST HAS RECOGNIZE INCONSISTENCY
WITH PRISON LAW AND MAIL SERVICE ALONG WITH CONDITIONS TO INMATES.
SUCH AS DELAY, COPY MACHINE BREAKDOWN, AND PRISON LOCKDOWN,
TO MORE EXTEND OR DEGREE OF HAND TO HAND EXCHANGE HANDLING.
MISPLACE AND MANYTIMES OVER AND OVER LOSS OF INMATES LEGAL
DOCUMENTS, HOWEVER, THIS WHICH IS MY CASE IN POINT, WHEREFORE
COURTS RELUCTANTLY HAVE GRANTED INMATES WIDE LATITUDE IN (TIMELY)
CORRESPONDING, FILING DOCUMENTS AND LITIGATING.

MANY TIMES OVER I HAVE EXPERIENCE THESE ABOVE MENTION PROBLEMS
SUCH AS PERTAINING TO THIS CASE. WHEN SUCH DOES OCCUR, I
IMMEDIATELY FILE AN EMERGENCY - GRIEVANCE % WARDEN, TO NO AVAIL.

WHEREBY, I REQUEST WITH PRAYER THIS COURT GRANT RELIEF

Enrico Levy
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME
THIS ____ DAY _____, 20__

NOTARY PUBLIC

United States District Court
Northern District of Illinois
Eastern Division

ENRICO LEVY # A93734

JUDGMENT IN A CIVIL CASE

v.

Case Number: 08 C 573

STATE OF ILLINOIS DEPT. OF
CORRECTIONS

- ☐ Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- ☒ Decision by Court. This action came to hearing before the Court. The issues have been heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that this case is dismissed with prejudice.

Michael W. Dobbins, Clerk of Court

Date: 2/15/2008

/s/ Willia Harmon, Deputy Clerk

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Suzanne B. Conlon	Sitting Judge If Other than Assigned Judge	
CASE NUMBER	08 C 573	DATE	2/15/2008
CASE TITLE	Enrico Levy # A 93734 v. State of Illinois Dept. of Corrections		

DOCKET ENTRY TEXT:

The Plaintiff's motion for leave to file in forma pauperis is denied [3] pursuant to 28 U.S.C. § 1915(g) and the complaint is summarily dismissed for failure of the plaintiff to advise the court that he had "struck out." The case is terminated. Any pending motions are denied as moot. Having brought this action, the plaintiff nevertheless remains obligated to pay the full \$350 filing fee. Before pursuing any future litigation, the plaintiff must pay any outstanding fees. The clerk shall send a copy of this order to the trust officer at Lawrence Correctional Center.

Suzanne B. Conlon
Docketing to mail notices.

■ [For further details see text below.]

STATEMENT

The Plaintiff, Enrico Levy, has brought this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 and seeks leave to proceed *in forma pauperis*. The motion must be denied because the plaintiff has accumulated at least three "strikes."

The Prison Litigation Reform Act of 1995 (PLRA), enacted on April 26, 1996, provides that a prisoner may not bring a civil action or appeal a civil judgment under 28 U.S.C. § 1915 "if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). At least three of the plaintiff's previous actions have been dismissed in this district on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted. *See, e.g., Levy v. State of Illinois*, 96 C 4939, dismissed 1/21/97; *Levy v. State of IL*, 96 C 4705, dismissed 3/10/97, and *Levy v. State of IL*, 96 C 7799, dismissed on 4/22/97. In fact, the court previously advised the plaintiff that he had "struck out." *See Order in 06 C 4449*, on 8/28/06. Notwithstanding his knowledge that he is barred from doing so, the plaintiff has nevertheless sought leave to proceed *in forma pauperis*, and without disclosing his 1915(g) status to the court. Consequently, the plaintiff's effective "fraud" on the court must "lead to immediate termination of the suit." *Sloan v. Lesza*, 181 F.3d 857 (7th Cir. 1999). The complaint is accordingly dismissed with prejudice, as nothing in the complaint supports an allegation of imminent danger of serious physical injury.

However, having brought this action, the plaintiff remains obligated to pay the full \$350 filing fee. *See* 28 U.S.C. § 1915(b)(1). Before pursuing any future litigation, the plaintiff must pay any outstanding fees.

Suzanne B. Conlon

ste

U.S. FEDERAL COURT OF APPEAL
NORTHERN, STATE OF ILLINOIS
7TH. CIRCUIT

ENRICO LEVY #A93734
PETITIONER

DOCKET NUMBER _____

- VS -

STATE OF ILL, DEPT. OF
CORRECTION PINKNEYVILLE
WARDEN EVANS, AND
LAWRENCE WARDEN LEE RYKER

RESPONDENT'S

APPEAL FROM

CIRCUIT NO. 7TH

TRIAL JUDGE SUZANNE B. CONLON

DATE OF NOTICE OF APPEAL

DATE OF JUDGMENT 2-15-2008

DATE OF POST JUDGMENT

ORDER OF DISMISSING 42 § 1483 CIVIL

NATURE: PERSONAL INJURY

DOCKET STATEMENT
CIVIL

1. NOTICE FOR LEAVE TO FILE APPEAL HAS BEEN SERVED
2. NO COUNSEL HAS BEEN APPOINTED
3. THIS APPEAL CAN BE ACCELERATED

U.S. FEDERAL COURT OF APPEAL
NORTHERN, STATE OF ILLINOIS
7TH. CIRCUIT

ENRICA LEVY #A93734
PETITIONER

- NS -

STATE OF ILL, DEPT. OF
CORRECTION, PINCKNEYVILLE
WARDEN EVANS, AND LAWRENCE
WARDEN LEE RYKER

RESPONDENT'S

APPEAL OF INTENT

FROM THE
U.S. FEDERAL DIST. COURT OF ILL.

CASE NO. 08-C-573

JUDGE SUZANNE B. CONLON

PETITION FOR LEAVE TO APPEAL

FEDERAL RULE

ENRICA LEVY #A93734
FROM PINCKNEYVILLE PRISON
FACILITY TO LAWRENCE
RT. 2 BOX 31
SUMNER, ILL. 62466

ORAL ARGUMENT

APPENDIX (A)

ORIGINAL AND AMEND COMPLAINT

Plaintiff's complaint No 3

SUPPLEMENTAL

STATE OF ILLINOIS)
) SS :
COUNTY OF LAWRENCE)

SWORN AFFIDAVIT

I, ENRICO LEVY #A93734, After Being Duly Sworn Upon My Oath Depose And States That the Following Matters Are Both true And Correct In Substance And In Facts :

HERE AT LAWRENCE PRISON, INMATES, INCLUDING MYSELF ARE TOSS INTO A TWO MEN CELL, DESPITE AGGRESSION TOWARD EACH OTHER AND COMPLAINTS TO THE WARDENS AND THEIR SECURITY STAFF TO BE MOVE TO ANOTHER CELL OF PEACE, IRONICALLY, FALLS ON DEATH EARS. INMATES CAN FIGHT TO DEATH, HERE IN SEGREGATION.

ON 3-13-2008, OVER AND OVER, I COMPLAINED TO BE MOVE TO ANOTHER CELL DUE TO AGGRESSION, SADLY, I WAS TAKEN AND STRIPPED OF LIFE NECESSITY ITEMS, THEN PLACED INTO A CELL WITH A CONCRETE BLOCK FLOORBED. THERE AND PRESENT, I BEEN DENIED OF ALL FEED DAILY, AND STILL CONTINUE AS OF THIS COMPLAINT, HERE IN SEGREGATION.

FURTHERMORE, AT THE BEGINNING OF THIS DURATION, APPROXIMATELY 2-14-2008, ON THIS CONCRETE FLOOR BLOCKBED, I SEVERELY INJURED MY BACK AND NECK, WITH PAIN CONTINUELY. I REPEATELY REQUEST TO SEE THE DOCTOR, TO NO AVAIL.

54 YEARS AGE, 23 YEARS INCARCERATED

So Stated : Enrico Levy #A93734

SUBSCRIBED AND SWORN TO BEFORE
ME THIS _____ DAY OF _____ 20 _____
Notary : _____

SEGREGATION (2) # L2

STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS

ADJUSTMENT COMMITTEE
FINAL SUMMARY REPORT

AL9

Name: LEVY, ENRICO

IDOC Number: A93734

Race: BLK

Hearing Date/Time: 2/24/2008 10:22 AM

Living Unit: LAW-S-BL-15

Orientation Status: N/A

Incident Number: 200800498/1 - LAW

Status: Final

Date	Ticket #	Incident Officer	Location	Time
2/14/2008	200800498/1-LAW	HABING, BENJAMIN G	DIETARY	10:03 AM

Offense	Violation	Final Result
206	Intimidation Or Threats	Guilty
304	Insolence	Guilty
307	Unauthorized Movement	Guilty

Witness Type	Witness ID	Witness Name	Witness Status
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No Witness Requested

RECORD OF PROCEEDINGS

Inmate refused to appear for his hearing.

BASIS FOR DECISION

Based on IDR by reporting employee that inmate Levy was observed walking around in dietary during chow lines when he should have been seated at his assigned table. Based on inmate Levy's statement to the officer, "I need to get out of this institution before I get the death penalty." Based on inmate's refusal to appear for his hearing. Based on the incident being witnessed by Lt. Duncan. Inmate identified by state ID. Due to the nature of the offense the adjustment committee recommends the following.

DISCIPLINARY ACTION (Consecutive to any priors)

RECOMMENDED

1 Months C Grade

1 Months Segregation

Basis for Discipline:Nature of offense

FINAL

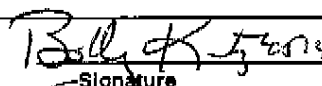
1 Months C Grade

1 Months Segregation

Signatures

Hearing Committee

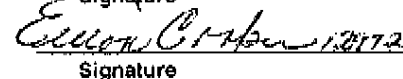
KUNTZ, ROBERT F - Chair Person



02/24/08

WHI

COOPER, ELDON L



02/24/08

BLK

Recommended Action Approved

Signature

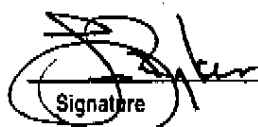
Date

Race

Final Comments: N/A

DERWIN L RYKER / DLR 2/25/2008

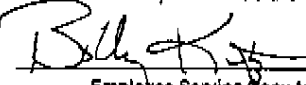
Chief Administrative Officer



02/25/08

Date

The committed person has the right to appeal an adverse decision through the grievance procedure established by Department Rule 504: Subpart F.



Employee Serving Copy to Committed Person

2-27-08 11A

When Served -- Date and Time

STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS

ADJUSTMENT COMMITTEE
FINAL SUMMARY REPORT

AL9

Name: LEVY, ENRICO

IDOC Number: A93734

Race: BLK

Hearing Date/Time: 2/24/2008 10:22 AM

Living Unit: LAW-S-BL-15

Orientation Status: N/A

Incident Number: 200800499/1 - LAW

Status: Final

Date	Ticket #	Incident Officer	Location	Time
2/14/2008	200800499/1-LAW	FREEMAN J, JAMES E	SEGREGATION	10:50 AM

Offense	Violation	Final Result
206	Intimidation Or Threats	Guilty

Witness Type	Witness ID	Witness Name	Witness Status
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No Witness Requested

RECORD OF PROCEEDINGS

Inmate refused to appear for the hearing.

BASIS FOR DECISION

Based on IDR by reporting employee that inmate Levy stated to the food sergeant, "You can give C/O Habing a message. He is a dead bitch when I get out of here. You can tell that director C/O Habing is a dead bitch." Based on inmate's refusal to appear for his hearing. Inmate identified by state ID. Due to the nature of the offense the adjustment committee recommends the following.

DISCIPLINARY ACTION (Consecutive to any priors)

RECOMMENDED

2 Months C Grade
2 Months Segregation

Basis for Discipline: Nature of offense

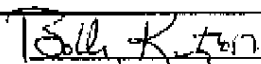
FINAL

2 Months C Grade
2 Months Segregation

Signatures

Hearing Committee

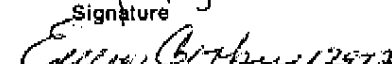
KUNTZ, ROBERT F - Chair Person



02/24/08

WHI

COOPER, ELDON L



02/24/08

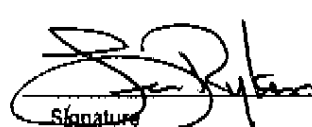
BLK

Recommended Action Approved

Final Comments: N/A

DERWIN L RYKER / DLR 2/25/2008

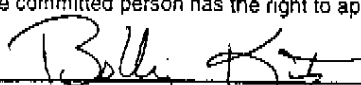
Chief Administrative Officer



02/25/08

Date

The committed person has the right to appeal an adverse decision through the grievance procedure established by Department Rule 504: Subpart F.



Employee Serving Copy to Committed Person

2-22-08 12:00L

When Served -- Date and Time

Type of Report:

☒ Disciplinary ☐ Investigative

Offender Disciplinary Report

Date: 2-14-2008

Offender Name: Levy

ID #: A93734

Observation Date: 2-14-2008 Approximate Time: 10:03 ☐ a.m. ☒ p.m. Location: North Dining Room

Offense(s): DR 504: 306 Intimidation or Threats, 309 Intimidation, 302 Unauthorized Movement,

Observation: (NOTE: Each offense identified above must be substantiated.) 308 Unauthorized Property, 403 Disobeying Direct Order

On the above date and approx. time, this PO observed the Levy A93734 walking around in the dining room, when he should have been sitting at his seat eating his lunch. This PO walked over to the Levy's table and observed the Levy looking at some papers. This PO gave the Levy 3 direct orders to give the papers to this PO. The Levy disobeyed all 3 orders. The Levy replied "I need to get out of this institution before I get this death penalty." Dietary Zone Lt. Duncan noticed the Levy was walked to seg. The Levy I had by State I.D. DR 504 completed.

Witness(es): Lt. Duncan

☐ Check if Offender Disciplinary Continuation Page, DOC 0318, is attached to describe additional facts, observations or witnesses.

By B. Hobbs Reporting Employee (Print Name) 12799 Badge # R. H. L. Signature 2-14-2008 11:01 ☐ a.m. ☒ p.m. Date Time

Disciplinary Action:

Shift Review: ☒ Temporary Confinement ☐ Investigative Status Reasons: Abuse of the cell

Printed Name and Badge # 12799 552 Shift Supervisor's Signature 2-14-8 Date

Reviewing Officer's Decision: ☒ Confinement reviewed by Reviewing Officer Comment: No comment / Confirmed

☒ Major Infraction, submitted for Hearing Investigator, if necessary and to Adjustment Committee

☐ Minor Infraction, submitted to Program Unit

Print Reviewing Officer's Name and Badge # Mr. H. L. 552 Reviewing Officer's Signature 2/14/08 Date

☐ Hearing Investigator's Review Required (Adult Correctional Facility Major Reports Only):

Print Hearing Investigator's Name and Badge # Hearing Investigator's Signature Date

Procedures Applicable to all Hearings on Investigative and Disciplinary Reports

You have the right to appear and present a written or oral statement or explanation concerning the charges. You may present relevant physical material such as records or documents.

Procedures Applicable to Hearings Conducted by the Adjustment Committee on Disciplinary Reports

You may ask that witnesses be interviewed and, if necessary and relevant, they may be called to testify during your hearing. You may ask that witnesses be questioned along lines you suggest. You must indicate in advance of the hearing the witnesses you wish to have interviewed and specify what they could testify to by filling out the appropriate space on this form, tearing it off, and returning it to the Adjustment Committee. You may have staff assistance if you are unable to prepare a defense. You may request a reasonable extension of time to prepare for your hearing.

☒ Check if offender refused to sign

Offender's Signature 5804 ID# 12799

Serving Employee (Print Name) 2-21-08 Badge # 1715 Date Served Time Served ☐ a.m. ☒ p.m.

☐ I hereby agree to waive 24-hour notice of charges prior to the disciplinary hearing.

Offender's Signature

ID#

(Detach and Return to the Adjustment Committee or Program Unit Prior to the Hearing)

Date of Disciplinary Report

Print offender's name

ID#

I am requesting that the Adjustment Committee or Program Unit consider calling the following witnesses regarding the Disciplinary Report of the above date:

Print Name of witness Witness badge or ID# Assigned Cell (if applicable) Title (if applicable)

Witness can testify to:

Print Name of witness Witness badge or ID# Assigned Cell (if applicable) Title (if applicable)

Witness can testify to:

ILLINOIS DEPARTMENT OF CORRECTIONS
 Shutdown Record/Confiscated Contraband

Date: <u>2-19-08</u> Time: <u>10:03</u> <input type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m. Living Area: <u>1119</u> Occupied: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Violator: <u>Levy</u> No. <u>A99734</u> Violator: <u>1119</u> No. <u>1119</u> Was any contraband found? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Item(s) (Description and circumstances of discovery): <u>12 pieces of paper</u> <u>found in 3rd Levy's closet</u> <u>in display on a shelf line</u>		Shift Supervisor: _____ Date Received: <u>2-19-08</u> Time: <u>10:03</u> <input type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m. <input type="checkbox"/> Major Contraband <input type="checkbox"/> Minor Contraband: _____ Signature: _____ Disposition: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. Initials: _____ Date: <u>2-19-08</u> Time: <u>10:03</u> <input type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m.	
Witness: <u>Let Riven</u> Disciplinary Report written: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Incident Report written: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Employee Signature: <u>Hobbs</u> Date: <u>2-19-08</u> Time: <u>11:05</u> <input type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m. Badge No. _____		Receiving Custodian: Date Received: _____ Time: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. <input type="checkbox"/> Major Contraband <input type="checkbox"/> Minor Contraband: _____ Custodian Signature: _____ Chain-of-Custody after the Custodian has received the item: From: _____ To: _____ Time: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. Date Received: _____ Time: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. From: _____ To: _____ Time: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. Date Received: _____ Time: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. From: _____ To: _____ Time: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. Date Received: _____ Time: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. From: _____ To: _____ Time: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. Final Disposition: _____ Date: _____ Custodian's Initials: _____	

Distribution: With Item (Tag): Supervisor, Employee, Disciplinary Report, Violator

Amend Supplemental
No. (2)

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

ON 2-14-2008, IN THE CHOW HALL, I WAS HANDCUFF AND ESCORTED TO MENTAL
SOCIAL WORKER, INTERVIEWED, AND TAKEN TO SEGREGATION. THERE, I WAS
STRIPPED BARE NUDE, AND PLACED IN A CONCRETE FLOOR BED CELL FOR (6)
DAYS. THEN TO A SINGLE MAN CELL FOR (7) DAYS, THEN REMOVED TO THE
HIGH BED BUNK, TWO MEN CELL, HERE IN SEGREGATION.

ON 2-14-2008, OVER AND OVER, AFTER REPEATELY REQUESTS, THERE, I WAS
DEPRIVED AND DENIED TOILET PAPER, SOAP, TOOTHBRUSH, TOOTHPASTE, TOWEL,
INKPEN, PAPER, GRIEVANCE, DENTIST, DOCTOR OR ANYTHING ELSE, CONTINELY
TOTALLY IGNORED, FEED ONLY, FOR (6) DAYS.

DURING THIS DURATION, I SUBSTAINED SEVERE INJURY TO BACK AND NECK
ON THIS (6) IN RAZE CONCRETE block FLOOR BED.

EMERGENCY

ILLINOIS DEPARTMENT OF CORRECTIONS
 OFFENDER'S GRIEVANCE

589 (A) #49

Date: <u>2-27-2008</u>	Offender: (Please Print) <u>ENRICO LAVY</u>	ID#: <u>A93734</u>
Present Facility: <u>LAWRENCE</u>		Facility where grievance issue occurred: <u>LAWRENCE</u>
NATURE OF GRIEVANCE: <input type="checkbox"/> Personal Property <input type="checkbox"/> Mail Handling <input type="checkbox"/> Restoration of Good Time <input type="checkbox"/> Disability <input checked="" type="checkbox"/> Staff Conduct <input type="checkbox"/> Dietary <input checked="" type="checkbox"/> Medical Treatment <input type="checkbox"/> HIPAA <input type="checkbox"/> Transfer Denial by Facility <input type="checkbox"/> Transfer Denial by Transfer Coordinator <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Disciplinary Report: _____ <div style="display: flex; justify-content: space-between; font-size: small;"> Date of Report Facility where issued </div>		
<p>Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.</p> <p>Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to: Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board. Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor. Chief Administrative Officer, only if EMERGENCY grievance. Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.</p>		
<p>Brief Summary of Grievance: <u>ON 2-14-2008, IN THE CHOW HALL, I WAS HANDCUFF AND ESCORTED</u> <u>TO MENTAL SOCIAL WORKER AND THEN TAKEN TO SEGREGATION. THERE, I WAS</u> <u>STRIPPED BARE NUDE, AND PLACED IN A CONCRETE FLOOR BED CELL FOR (6) DAYS.</u> <u>THEN TO A SINGLE MAN CELL FOR (7) DAYS, THEN REMOVED TO THE HIGH BED BUNK, WOMEN CELL.</u> <u>ON 2-14-2008</u> <u>AFTER REPEATEDLY REQUESTS, THERE, I WAS DEPRIVED AND DENIED TOILET PAPER, SOAP,</u> <u>TOOTHBRUSH, TOOTH PASTE, TOWEL, INK PEN, PAPER, GRIEVANCE, DENTIST, DOCTOR</u> <u>OR ANYTHING ELSE, TOTALLY IGNORED. ONLY FOOD - FOR (6) DAYS.</u></p>		
<p><u>DURING THIS DURATION, I SUBSTAINED SEVERE INJURY TO BACK AND NECK ON THIS</u> <u>(6) IN RAZOR CONCRETE FLOOR BED.</u></p>		
<p>Relief Requested: <u>THAT I BE MOVED IMMEDIATELY TO A CELL ALONE, AND ALSO</u> <u>THAT I SEE A DENTIST AND DOCTOR FOR SEVERE BODY PAIN AND</u> <u>TEETH PAIN</u></p>		
<p><input checked="" type="checkbox"/> Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.</p>		
<u>Enrico Lavy</u> Offender's Signature		<u>A93734</u> ID#
		<u>2, 27, 2008</u> Date
(Continue on reverse side if necessary)		

Counselor's Response (if applicable)		
Date Received: _____	<input type="checkbox"/> Send directly to Grievance Officer	<input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277
Response: _____ _____ _____ _____		
Print Counselor's Name	Counselor's Signature	Date of Response

EMERGENCY REVIEW	
Date Received: _____	Is this determined to be of an emergency nature? <input type="checkbox"/> Yes; expedite emergency grievance <input type="checkbox"/> No; an emergency is not substantiated. Offender should submit this grievance in the normal manner.
Chief Administrative Officer's Signature	Date

MEMORANDUM

DATE 3/3/08
TO: *Levy A 93734*
FROM: Pamela Moran, CCH
Grievance Officer
Lawrence Correctional Center

Seg AL 9

SUBJECT: Grievance(s) / Inmate Correspondence

The attached is being returned for the reason(s) listed below:

- ☐ Contact your Correctional Counselor. Per D.R. 504 Grievances, "A committed person shall first attempt to resolve incidents, problems or complaints, other than complaints concerning disciplinary proceedings, through his counselor."
- ☐ Use proper Committed Person's Grievance Report Form (DOC 0046).
- ☐ Provide date(s) of disciplinary report(s) and facility where incident(s) occurred.
- ☐ **Forward grievance directly to the Administrative Review Board.** (protective custody, enforced medication, disciplinary reports from other facilities, issues arising at another facility except personal property, decisions rendered by the Director, etc...).
- ☐ Not submitted in the timeframe outlined in Department Rule 504; therefore, issue will not be addressed further.
- ☐ Unable to determine nature of grievance/correspondence. Submit additional specific information .
- ☐ Illegible copy submitted. Submit legible copy for consideration.
- ☐ Request restoration of GCC, segregation time cut, grade restoration to the Adjustment Committee. If request is denied, utilize the grievance process for further consideration.
- ☐ Issue has been previously addressed on a grievance. No justification for further consideration. Grievance Response was provided.
- ☐ Contact the Record Office with your request and/or additional information (sentence calculations, jail credits, etc.).
- ☐ Address concerns to Illinois Prisoner Review Board, 319 East Madison St. Suite A, Springfield, Illinois 62706 (executive clemency, parole violation issues, etc.). This issue is not within the jurisdiction of the facility or the ARB.
- ☒ Other: The Warden has determined the issue is not an emergency. Please follow the grievance process by submitting the grievance to your counselor, if it is still an issue.

Form # applied for.



Illinois
Department of
Corrections

Rod R. Blagojevich
Governor

Roger E. Walker Jr.
Director

1301 Concordia Court / P.O. Box 19277 / Springfield, IL 62794-9277 / Telephone: (217) 522-2666 / TDD: (800) 526-0844

July 13, 2006

Enrico Levy
Register No. A93734
Pinckneyville Correctional Center

Dear Mr. Levy:

This is in response to your grievance received on June 8, 2006, regarding conditions (requests soap and body wash in seg), which was alleged to have occurred at Pinckneyville Correctional Center. This office has determined the issue will be addressed without a formal hearing.

The Grievance officer's report (4-56) and subsequent recommendation dated April 28, 2006 and approval by the Chief Administrative Officer on May 2, 2006 have been reviewed.

Based on a total review of all available information, it is the opinion of this office that the issue was addressed by the institutional administration. It is, therefore, recommended the grievance be denied.

FOR THE BOARD:

Handwritten signature of Jackie Miller.

Jackie Miller
Administrative Review Board
Office of Inmate Issues

CONCURRED:

Handwritten signature of Roger E. Walker Jr.

Roger E. Walker Jr.
Director

cc: Warden Ken Bartley, Pinckneyville Correctional Center
Enrico Levy, Register No. A93734
Chron. File

No. 1
PLAINTIFF'S COMPLAINT

ON FEB-22-2006, FOR SAFETY CONCERN, I REQUESTED TO BE SHIPPED, UNFORTUNATELY DENIED. UPON MY PERSONAL REQUEST, I REFUSE GENERAL POPULATION HOUSING FOR REASON OF SAFETY CONCERN WHICH RELATES TO A PREVIOUS INCIDENT THAT INVOLVED THREE OTHER INMATES AND, MYSELF BEING SHOT AND SERIOUS WOUNDED BY A CORRECTIONAL OFFICER AT PONTIAC PRISON.

I WAS ESCORTED TO PRISON SEGREGATION, THE VERY NEXT DAY I'D RECEIVE A DISCIPLINARY TICKET FOR REFUSING HOUSING ASSIGNMENT, HOWEVER, I EXPLAIN THAT I HAVE BEEN APPROACH BY AT LEAST FIFTEEN INMATES WHOM THREATEN TO DO HARM TO ME FOR TESTIFYING IN PONTIAC COURT AGAINST ANOTHER INMATE.

I ALSO INFORMED THE WARDEN, THE PRISON'S DIRECTOR, AND OFFICE OF INMATE ISSUES IN SPRINGFIELD, ILLINOIS. IRONICALLY, I HAVE EXACT COPIES OF MY LETTERS AND ALSO COPIES OF, PROOF OF MAILINGS. MANY TIMES I PLEAD TO BE SHIPPED OUT OF THE FACILITY, UNFORTUNATELY ALL MY REQUESTS WAS IGNORED OVER AND OVER.

HOWEVER, CONFINED TO SEGREGATION FOR (18) MONTHS, SUBJECTED TO INHUMANE CONDITION AND TREATMENT, DEPRIVED OF BASIC HYGIENE ITEMS SUCH AS SOAP, TOOTH PASTE, TOOTHBRUSH, ETC. DEPRIVED FOR (18) MONTHS OF OUT OF CELL EXERCISE AND SEVERELY SUFFERED FEET AND BODY RASHS, EAR INFECTION, TEETH PAINS AND NEGLECT. SUFFERED ALSO FROM SEVERE DEPRESSION, ALTHOUGH PSYCHIATRIC WAS SOUGHT AND VISTED TO NO AVAIL. MEDICATION REQUEST WAS DENIED. FURTHERMORE, SADLY (6) MONTHS WAS REVOLT FROM MY APPROACHING RELEASE, THEREBY SETTING BACK MY DISCHARGE RELEASE DATE. PARALYSIS ALSO CONTINUES,

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

TO ALLOW PETITIONER TO PROCEED AND PRESENT EVIDENCE,

ALSO APPOINT COUNSEL, AND ALSO SECURE UNIDENTIFIED WITNESSES

THAT I BE MOVED IMMEDIATELY TO A CELL ALONE, AND ALSO THAT

I SEE A DENTIST AND DOCTOR FOR SEVERE BODY AND TEETH PAINS

ALSO APPOINTMENT OF ATTORNEY

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 29 day of FEB, 2008

Enrico Levy

(Signature of plaintiff or plaintiffs)

ENRICO LEVY

(Print name)

A93734

(I.D. Number)

RT. R-2 Box 31

SUMNER, ILLINOIS, 62466

(Address)

STATE OF ILLINOIS)
) SS
COUNTY OF LAWRENCE)

AFFIDAVIT

I, ENRICO LEVY #A93734 being first duly sworn under oath depose and state that the foregoing is true and correct and made upon my personal knowledge and I am competent to testify thereto.

FEDERAL AND STATE LAW IN THE PAST HAS RECOGNIZE INCONSISTENCY
WITH PRISON LAW AND MAIL SERVICE ALONE WITH CONDITIONS TO INMATES.
SUCH AS DELAY, COPY MACHINE BREAKDOWN, AND PRISON LOCKDOWN,
TO MORE EXTEND OR DEGREE OF HAND TO HAND EXCHANGE HANDLING.
MISPLACE AND MANYTIMES OVER AND OVER, LOSS OF INMATES LEGAL
DOCUMENTS, HOWEVER, THIS WHICH IS MY CASE IN PRINT, WHEREFORE
COURTS RELUCTANTLY HAVE GRANTED INMATES WIDE LATITUDE IN (TIMELY)
CORRESPONDING, FILING DOCUMENTS AND LITIGATING.

MANY TIMES OVER I HAVE EXPERIENCE THESE ABOVE MENTION PROBLEMS
SUCH AS PERTAINING TO THIS CASE, WHEN SUCH DOES OCCUR, I
IMMEDIATELY FILE AN EMERGENCY - GRIEVANCE % WARDEN, TO NO AVAIL.

WHEREBY, I REQUEST WITH PRAYER THIS COURT GRANT RELIEVE

Enrico Levy
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME
THIS _____ DAY _____, 20____

NOTARY PUBLIC

SEVENTH CIRCUIT COURT OF APPEALS INFORMATION SHEET

Include the names of all plaintiffs (petitioners) and defendants (respondents) who are parties to the appeal. Use a separate sheet if needed.

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION DOCKET NUMBER: 08 cv 573

PLAINTIFF (Petitioner)

v.

DEFENDANT (Respondent)

Levy/appellant	St of Il./Dept. Of Corr/appellee
----------------	----------------------------------

(Use separate sheet for additional counsel)

PETITIONER'S COUNSEL		RESPONDENT'S COUNSEL	
Name	Enrico Levy	Name	Dept. Of Corr.
Firm	pro-se #A-93734	Firm	Il. Dept. Of Corr.
Address	Lawrence -LAW R.R. 2, Box 31 Sumner, Il 62466	Address	100 W. Randolph Suite 4-200 Chgo.II. 60601
Phone		Phone	312) 814-2235

Other Information			
District Judge	Conlon	Date Filed in District Court	2/15/08
Court Reporter	B. Wilson X-5771	Date of Judgment	2/19/08
Nature of Suit Code	555	Date of Notice of Appeal	3/24/08

COUNSEL: Appointed ☐ Retained ☐ Pro Se ☒

FEE STATUS: Paid ☐ Due ☒ IFP ☐
IFP Pending ☐ U.S. ☐ Waived ☐

Has Docketing Statement been filed with the District Court Clerk's Office? Yes ☐ No ☒

If State/Federal Habeas Corpus (28 USC 2254/28 USC 2255), was Certificate of Appealability:

Granted ☐ Denied ☐ Pending ☐

If Certificate of Appealability was granted or denied, date of order: _____

If defendant is in federal custody, please provide U.S. Marshall number (USM#): _____

IMPORTANT: THIS FORM IS TO ACCOMPANY THE SHORT RECORD SENT TO THE CLERK OF THE U.S. COURT OF APPEALS PURSUANT TO CIRCUIT RULE 3(A). Rev 04/01

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Suzanne B. Conlon	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 573	DATE	2/15/2008
CASE TITLE	Enrico Levy # A 93734 v. State of Illinois Dept. of Corrections		

DOCKET ENTRY TEXT:

The Plaintiff's motion for leave to file in forma pauperis is denied [3] pursuant to 28 U.S.C. § 1915(g) and the complaint is summarily dismissed for failure of the plaintiff to advise the court that he had "struck out." The case is terminated. Any pending motions are denied as moot. Having brought this action, the plaintiff nevertheless remains obligated to pay the full \$350 filing fee. Before pursuing any future litigation, the plaintiff must pay any outstanding fees. The clerk shall send a copy of this order to the trust officer at Lawrence Correctional Center.

Suzanne B. Conlon
Docketing to mail notices.

■ [For further details see text below.]

STATEMENT

The Plaintiff, Enrico Levy, has brought this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 and seeks leave to proceed *in forma pauperis*. The motion must be denied because the plaintiff has accumulated at least three "strikes."

The Prison Litigation Reform Act of 1995 (PLRA), enacted on April 26, 1996, provides that a prisoner may not bring a civil action or appeal a civil judgment under 28 U.S.C. § 1915 "if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). At least three of the plaintiff's previous actions have been dismissed in this district on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted. *See, e.g., Levy v. State of Illinois*, 96 C 4939, dismissed 1/21/97; *Levy v. State of IL*, 96 C 4705, dismissed 3/10/97, and *Levy v. State of IL*, 96 C 7799, dismissed on 4/22/97. In fact, the court previously advised the plaintiff that he had "struck out." *See Order in 06 C 4449*, on 8/28/06. Notwithstanding his knowledge that he is barred from doing so, the plaintiff has nevertheless sought leave to proceed *in forma pauperis*, and without disclosing his 1915(g) status to the court. Consequently, the plaintiff's effective "fraud" on the court must "lead to immediate termination of the suit." *Sloan v. Lesza*, 181 F.3d 857 (7th Cir. 1999). The complaint is accordingly dismissed with prejudice, as nothing in the complaint supports an allegation of imminent danger of serious physical injury.

However, having brought this action, the plaintiff remains obligated to pay the full \$350 filing fee. *See* 28 U.S.C. § 1915(b)(1). Before pursuing any future litigation, the plaintiff must pay any outstanding fees.

Suzanne B. Conlon

ste

United States District Court
Northern District of Illinois
Eastern Division

ENRICO LEVY # A93734

JUDGMENT IN A CIVIL CASE

v.

Case Number: 08 C 573

STATE OF ILLINOIS DEPT. OF
CORRECTIONS

- ☐ Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- ☒ Decision by Court. This action came to hearing before the Court. The issues have been heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that this case is dismissed with prejudice.

Michael W. Dobbins, Clerk of Court

Date: 2/15/2008

/s/ Willia Harmon, Deputy Clerk

APPEAL, KEYS, PC, TERMED

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 3.1.3 (Chicago)
CIVIL DOCKET FOR CASE #: 1:08-cv-00573
Internal Use Only

Levy v. State of Illinois Dept. of Corrections Galesburg
Warden et al
Assigned to: Honorable Suzanne B. Conlon
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 02/15/2008
Date Terminated: 02/15/2008
Jury Demand: None
Nature of Suit: 555 Civil Rights (Prison
Condition)
Jurisdiction: Federal Question

Plaintiff**Enrico Levy**

represented by **Enrico Levy**
A-93734
Lawrence - LAW
R.R. 2, Box 31
Sumner, IL 62466
PRO SE

V.


Defendant**State of Illinois Dept. of Corrections**
Galesburg Warden**Defendant****Pinckneyville Warden Barkley****Defendant****Roger E. Walker, Jr**
*Prisons Director***Service List**

represented by **Illinois Department of Corrections**
100 West Randolph, Suite 4-200
Chicago, IL 60601
ATTORNEY TO BE NOTICED

**Prisoner Correspondence - Internal
Use Only**

Email:
Prison1_ILND@ilnd.uscourts.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/25/2008	<u>1</u>	RECEIVED Complaint and 2 copies by Enrico Levy (Exhibits). (Poor Quality Original - Paper Document on File.) (td,) (Entered: 01/28/2008)
01/25/2008	<u>2</u>	CIVIL Cover Sheet. (td,) (Entered: 01/28/2008)
01/25/2008	<u>3</u>	APPLICATION by Plaintiff Enrico Levy for leave to proceed in forma pauperis (Exhibits). (td,) (Entered: 01/28/2008)
01/25/2008	<u>4</u>	MOTION by Plaintiff Enrico Levy to appoint counsel (Exhibits). (td,) (Entered: 01/28/2008)
01/25/2008	<u>5</u>	POST MARKED envelope for initiating document by Enrico Levy (Document not scanned) (aew,) (Entered: 01/29/2008)
02/15/2008	<u>6</u>	MINUTE entry before Judge Suzanne B. Conlon : The Plaintiff's motion for leave to file in forma pauperis is denied <u>3</u> pursuant to 28 U.S.C. Section 1915(g) and the complaint is summarily dismissed for failure of the plaintiff to advise the court that he had "struck out." The case is terminated. Any pending motions are denied as moot. Having brought this action, the plaintiff nevertheless remains obligated to pay the full \$350 filing fee. Before pursuing any future litigation, the plaintiff must pay any outstanding fees. The clerk shall send a copy of this order to the trust officer at Lawrence Correctional Center. Mailed notice (td,) (Entered: 02/19/2008)
02/15/2008	<u>7</u>	ENTERED JUDGMENT Signed on 2/15/2008. (td,) (Entered: 02/19/2008)
02/19/2008		MAILED copy of order dated 2/15/2008 to Trust Officer at Lawrence Correctional Center. (td,) (Entered: 02/19/2008)
03/17/2008	<u>8</u>	MINUTE entry before Judge Honorable Suzanne B. Conlon:Petitioner's motion <u>4</u> for appointment of counsel, motion to reconsider and amend and motion for extension of time with affidavit are denied. Judicial staff notice (gmr,) (Entered: 03/20/2008)
03/24/2008	<u>9</u>	MOTION by Plaintiff Enrico Levy for leave to appeal and allow original petition to stand as brief; Notice. (Exhibits). (gmr,) (Entered: 03/28/2008)
03/24/2008	<u>10</u>	PETITION by Plaintiff Enrico Levy for leave to file and proceed on appeal in forma pauperis. (Exhibits). (gmr,) (Entered: 03/28/2008)
03/24/2008	<u>11</u>	MOTION by Plaintiff Enrico Levy for appointment of counsel. (gmr,) (Entered: 03/28/2008)
03/24/2008	<u>18</u>	NOTICE of appeal by Enrico Levy regarding orders <u>6</u> , <u>7</u> (fee due) (dj,) (Entered: 05/13/2008)
04/07/2008	<u>12</u>	MINUTE entry before Judge Honorable Suzanne B. Conlon:The plaintiff's motion for leave to appeal in forma pauperis is denied pursuant

		to 28 U.S.C. § 1915(g). The court directs the clerk to send a copy of this order to the PLRA staff attorney. Having filed this notice of appeal, the Plaintiff nevertheless remains obligated to pay the full appellate and docketing fees. Before pursuing any future litigation, the Plaintiff must pay any outstanding fees. Any other pending motions are denied as moot. The court construes plaintiff's motion also as his notice of appeal of this court's February 15, 2008 order terminating this case. Mailed notice (gmr,) (Entered: 04/09/2008)
04/09/2008		(Court only) FORWARDED order dated 4/7/08 to PLRA staff attorney pursuant to order of 4/7/08. (gmr,) (Entered: 04/09/2008)
04/21/2008	 13	AMEND MOTION Intent by Plaintiff Enrico Levy amend leave to appeal and allow original petition with amends to stand as brief; Notice. (gmr,) (Entered: 04/25/2008)
04/21/2008	14	AFFIDAVIT of Enrico Levy. (gmr,) (Entered: 04/25/2008)
04/21/2008	15	AFFIDAVIT of Enrico Levy. (gmr,) (Entered: 04/25/2008)
04/28/2008	16	MEMORANDUM by Plaintiff Enrico Levy in support of PLRA motion for leave to proceed on appeal in forma pauperis; Notice. (Exhibits). (gmr,) (Entered: 05/06/2008)
05/01/2008	17	MINUTE entry before Judge Suzanne B. Conlon: Plaintiff's motion for leave to appeal 9 is construed as a notice of appeal. The clerk shall docket the motion as a notice of appeal filed on March 24, 2008. Mailed notice (gmr,) (Entered: 05/07/2008)
05/13/2008	19	NOTICE of Appeal Due letter sent to counsel of record (dj,) (Entered: 05/13/2008)